

Message Text

CONFIDENTIAL

PAGE 01 STATE 220138

10

ORIGIN NEA-16

INFO OCT-01 EUR-25 ISO-00 SS-20 L-03 PM-07 DODE-00 MC-02

ACDA-19 OMB-01 AID-05 IGA-02 NSC-07 SP-03 EB-12

COME-00 TRSE-00 CIAE-00 INR-11 NSAE-00 RSC-01 /135 R

DRAFTED BY NEA/PAB:RAPECK/MW

APPROVED BY P:JJSISCO

NEA:ALATHERTON

L/PM:TABOREK (DRAFT)

PM/SAS:DRNIEMI (DRAFT)

DOD/ISA/NESA:RLAWRENCE (INFO)

S/S:RWOODS

----- 010850

R 050122Z OCT 74

FM SECSTATE WASHDC

TO AMEMBASSY ISLAMABAD

INFO AMEMBASSY LONDON

AMEMBASSY NEW DELHI

C O N F I D E N T I A L STATE 220138

E.O. 11652: GDS

TAGS: MASS, PK

SUBJECT: SALE OF MK-44 TORPEDO TO PAKISTAN

REF: ISLAMABAD 8415; STATE 162727

1. DEPARTMENT HAS CAREFULLY REVIEWED BOTH LEGAL AND POLICY ASPECTS OF DECISION TRANSMITTED IN STATE 162727. WITH RESPECT TO THIRD-PARTY TRANSFERS OF DEFENSE ARTICLES FURNISHED UNDER MAP OR FMS, GOVERNING U.S. STATUTES HAVE PROVIDED SINCE 1971 THAT USG APPROVAL OF SUCH TRANSFERS MAY BE GIVEN ONLY RPT ONLY IN THOSE CASES IN WHICH USG ITSELF WOULD DIRECTLY TRANSFER ITEMS IN QUESTION TO PROPOSED THIRD-COUNTRY RECIPIENT. THIS RESTRICTION IS BINDING ON THE USG AS MATTER OF LAW AND OFFERS NO ROOM FOR DISCRETION. WITH RESPECT TO ITEMS PRODUCED ABROAD UNDER U.S. CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 220138

MUNITIONS CONTROL LICENSE, WE APPLY SAME CRITERIA. POLICY

REGARDING THIRD-COUNTRY TRANSFERS IS RESPONSIVE TO STRONG CONGRESSIONAL CONCERN, MANIFESTED IN ENACTMENT OF FAA AND FMSA RESTRICTIONS OUTLINED ABOVE, THAT APPROVAL OF SUCH TRANSFERS NOT BE USED AS DEVICE TO CIRCUMVENT LEGAL OR PUBLICLY STATED POLICY RESTRICTIONS BY ACHIEVING INDIRECTLY WHAT COULD NOT BE ACHIEVED DIRECTLY. THIS PARTICULARLY THE CASE IN SENSITIVE SITUATIONS SUCH AS THAT CURRENTLY EXISTING BETWEEN PAKISTAN AND INDIA, WHERE USG HAS CONSISTENTLY APPLIED TO THIRD-COUNTRY TRANSFERS OF U.S.-ORIGIN EQUIPMENT (OR EQUIPMENT PRODUCED WITH U.S. TECHNOLOGY) OVER

WHICH USG HAS CONTROL SAME CRITERIA AS ARE APPLICABLE TO TRANSFERS DIRECTLY FROM U.S.

2. THE POLICY QUESTION IS EQUALLY CLEAR. THE MK-44 TORPEDO FOR POLICY PURPOSE IS A "SPARE PART" (OR ACCESSORY) TO AN END-ITEM (THE BRITISH-MADE SEA KING HELICOPTER) NOT PREVIOUSLY SUPPLIED BY THE U. S. THE POLICY ANNOUNCED MARCH 12, 1973, PERMITS THE "SUPPLY ON A CASH BASIS UNDER THE FMS ACT AND FROM COMMERCIAL SOURCES OF SPARE PARTS FOR PREVIOUSLY SUPPLIED LETHAL EQUIPMENT." THE EQUIPMENT IN QUESTION (HELICOPTERS) WAS NOT SUPPLIED BY THE U. S.

3. IN ANSWER TO YOUR QUESTION 5A, THE GOI PURCHASED THIS EQUIPMENT FOR USE ON THE BRITISH SEA KING HELICOPTER. WE UNDERSTAND THAT THE INDIANS HAVE CONTINUED TO PURCHASE THE SEA KING AND OUR EMBASSY IN NEW DELHI HAS SPECULATED (KREISBERG-LAINGEN OFFICIAL-INFORMAL OF AUGUST 2, 1974) THAT THE INDIANS MAY WANT TO BUY MORE MK-44 TORPEDOS. UNDER PRESENT POLICY, WE WOULD TURN THEM DOWN. YOU ALSO ASKED (5B), ARE WE BEING EVENHANDED? YES, AS REGARDS THE APPLICATION OF POLICY AT THE PRESENT TIME. IS THIS A FINE POINT SUBJECT TO VARYING INTERPRETATION? NO. THE POLICY IS QUITE CLEAR, IT IS IN THE PUBLIC DOMAIN AND BOTH THE PAKISTANI AND INDIAN GOVERNMENTS UNDERSTAND IT VERY WELL. PERHAPS THE POLICY SHOULD HAVE BEEN WRITTEN WITH MORE DISCRETIONARY AUTHORITY, BUT IT WAS NOT. UNDER PRESENT POLICY, WE DO NOT HAVE THE FLEXIBILITY TO PERMIT THIS TRANSACTION.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 220138

4. AS AN ALTERNATIVE, THE EMBASSY HAS SUGGESTED A ONE-TIME EXCEPTION. WE THINK THIS WOULD BE INAPPROPRIATE AT THE PRESENT TIME SINCE IT COULD STIMULATE PUBLIC AND CONGRESSIONAL CONTROVERSY OVER A LIMITED ASPECT OF POLICY.

5. FINALLY, WE SHOULD NOT LOSE SIGHT OF THE FACT THAT THE FRENCH MANUFACTURE A TORPEDO WHICH CAN BE ACCOM-

MODATED ON THE SEA KING HELICOPTER. THERE MAY BE BOTH
COST AND QUALITY FACTORS WHICH WEIGH IN FAVOR OF THE
MK-44, BUT THESE HELICOPTERS ARE NOT RENDERED USELESS BY
OUR DECISION.

6. EMBASSY CAN BE SURE THAT WE WILL PERMIT THE EXPORT OF
EVERY PIECE OF EQUIPMENT ALLOWABLE UNDER THE POLICY GUIDE-
LINES PROVIDED TO US. BUT WE RELUCTANTLY CONCLUDE THAT
THIS IS NOT ONE OF THEM. KISSINGER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MILITARY ASSISTANCE, MILITARY EQUIPMENT, TORPEDOES, FOREIGN POLICY POSITION, MILITARY SALES
Control Number: n/a
Copy: SINGLE
Draft Date: 05 OCT 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CollinP0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE220138
Document Source: CORE
Document Unique ID: 00
Drafter: RAPECK/MW
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740282-1122
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741069/aaaacgry.tel
Line Count: 124
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: ISLAMABAD 8415; STATE 162727
Review Action: RELEASED, APPROVED
Review Authority: CollinP0
Review Comment: n/a
Review Content Flags:
Review Date: 26 JUN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <26 JUN 2002 by martinml>; APPROVED <12 MAR 2003 by CollinP0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SALE OF MK-44 TORPEDO TO PAKISTAN
TAGS: MASS, PK
To: ISLAMABAD
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005